REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-18 were pending in this application when last examined.

Claims 1-3, 6-8, 17 and 18 were examined on the merits and stand rejected.

Claims 4, 5 and 13-16 were withdrawn as non-elected subject matter. Applicants note that the elected invention was drawn to a compound and therefore respectfully request rejoinder of the withdrawn method claims upon allowance. Applicants further reserve the right to file a continuation or divisional application on any non-elected subject matter.

Claims 1, 3-4 and 13-18 are amended. The amendment limits the claimed invention to 1*H*-benzimidazole-2,7-diamine derivatives which are supported by biological data in the specification and the additional data enclosed herewith in the attached Declaration. Further, the claims are amended to delete "prodrug" and prevention language without acquiescence to the correctness of the Examiner's rejection. Finally, support for the amendments to claims 15 and 16 can be found on page 94, lines 2-3, of the specification as filed.

No new matter has been added.

Claims 2 and 6-12 are cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation application on any cancelled subject matter.

II. RESTRICTION REQUIREMENT

Applicants note that the compounds of the claimed invention, as amended, have a common basic 1*H*-benzimidazole-2,7-diamino structure and biological activity. Thus, Applicants respectfully request that the Restriction Requirement, especially in regard to claims 4 and 5, should be withdrawn as there is no undue burden on searching.

III. FOREIGN PRIORITY

The specification has been amended herein to reflect the continuity of this application. Thus, Applicants respectfully request the Examiner to acknowledge receipt of the certified

priority documents by checking the appropriate boxes in item 12 of the cover sheet in the next Office Action.

IV. INFORMATION DISCLOSURE STATEMENT

In item 5 on pages 2-3 of the Office Action, the Office indicated that the reference designated AK in the 1449 form of November 19, 2007 was not considered because an English translation was not provided.

Our records indicate an English language abstract was submitted. However, for the convenience of the Examiner, attached herewith is another English language abstract and a copy of the relevant 1449 form. The Examiner is respectfully requested to return an initialed copy of the 1449 form indicating this reference has been considered.

V. CLAIM OBJECTION

In items 10-13 on page 5 of the Office Action, claims 1-3, 6-12 and 17-18 were objected to. These objections are overcome, as applied to the remaining amended claims, for reasons which are self-evident.

VI. ENABLEMENT REJECTION

In item 14 on pages 6-11 of the Office Action, claim 2 was rejected under 35 U.S.C. § 112, first paragraph, for failure to meet the enablement requirement. Without acquiescence to the correctness of the Office's position, prodrug has been deleted from the claim. Thus, this rejection is overcome.

In item 15 on pages 12-16 of the Office Action, claims 17-28 were rejected under 35 U.S.C. § 112, first paragraph, for failure to meet the enablement requirement. Applicants respectfully traverse this rejection as applied to the amended claims.

In regard to this rejection with respect to the term "prevent", Applicants have deleted such term from the claims without acquiescence. Thus, this concern is overcome.

Further, attached herewith is a Declaration under 37 CFR 1.132 by one of the inventors of this application. This Declaration sets forth the binding inhibitory rates of representative compounds from the specification. Such binding inhibitory rates show that the claimed compounds are enabled for treatment, thus overcoming this concern.

Applicants further note that the CRF receptor used in Experiment 1 of the present application is CRF_1 receptor. The document A attached hereto (Proc. Natl. Acad. Sci. USA, Vol. 90, pp. 8967-8971, 1993, Attachment A) discloses CRF_1 receptor. Applicants have confirmed by RT-PCR experiment that the CRF receptor expressing cells in Experiment 1 express CRF_1 receptor. Finally, the information on amino acid sequence of CRF_1 receptor and base sequence of cDNA are disclosed in document A (page 8967, right-hand margin: GenBank database (accession No. L23332) and page 8969, Fig. 2: hCRF-R_1).

Thus, Applicants respectfully suggest that the claimed compounds are enabled for treatment.

Furthermore, based on the document information described in the Background Art of the present application, it is apparent for a person skilled in the art that the compounds of the present invention as amended can be applied for the treatment of the diseases listed in claims 17 and 18. For instance, please see pages 4 and 8 for discussion of correlations between CRF, affective disorder, depression and anxiety.

Thus, for the above-noted reasons, this rejection is untenable and should be withdrawn.

VII. OBVIOUSNESS REJECTIONS

In items 8-9 on pages 17-20, claims 1, 3 and 7-8 were rejected under 35 U.S.C. § 103(a) as obvious over Aldrich et al. (US 6,107,301).

Further, in item 10 on pages 20-23, claim 6 was rejected under 35 U.S.C. § 103(a) as obvious over Aldrich et al. in view of Patani et al. (Chem. Rev., 1996).

Applicants respectfully traverse these rejections.

In particular, it is noted that the remaining amended claims are dissimilar to the compounds of Aldrich et al. In fact, Applicants respectfully submit that the structures of the claimed compounds, as amended, are significantly different from that of the cited art. Therefore, the cited art fails to teach or suggest the claimed compounds. Thus, these rejections are untenable and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Albert C. GYORKOS et al.

By /William R. Schmidt, II/

Digitally signed by /William R. Schmidt, II/
DN: cn=/William R. Schmidt, II/, o=WLP, ou, email=bschmidt@wenderoth.com, c=US
Date: 2009.09.16 14:25:56 -04'00'

William R. Schmidt, II
Registration No. 58,327
Attorney for Applicants

Attachments:

Attachment A: Proc. Natl. Acad. Sci. USA, Vol. 90, pp. 8967-8971, 1993
Attachment B: Copy of 1449 Form submitted November 19, 2007
Attachment C: English Language Abstract of the FR 2851563
Attachment D: Declaration under 37 CFR 1.132
Attachment E: Sequence Information – GenBank Database

WRS/vah
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 16, 2009